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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,170	12/05/2000	Roger D. Chamberlain	7572	8051
1688	7590	07/19/2004	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			DANG, HUNG Q	
			ART UNIT	PAPER NUMBER
			2635	3

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,170

Applicant(s)

CHAMBERLAIN ET AL.

Examiner

Hung Q Dang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-18 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon U.S. Patent 4,713,837 in view of Argyroudis et al. U.S. Patent 5,748,104.

Regarding claim 1, Gordon teaches a dual communication channel remote telemetry system comprising (column 4 line 20 to column 5 line 34):

- at least one central controller (Figure 1, unit 20) configured to generate at least one control message and to receive at least one reporting message, said at least one central controller further configured to access a broadcast communications channel (Figure 1, channel 32) for carrying said control message and to access a shared two-way communications channel (Figure 1, channel 24) for receiving said reporting message;
- a plurality of remote telemetry units (Figure 1, units 10, 12 and 14) configured to measure at least one local parameter and to generate at least one reporting message, a receiver (Figure 1, unit 6) configured to receive said control message over said broadcast communications channel and a transceiver (Figure 1, unit 4) configured for communicating said reporting

message to said at least one central controller over said shared two-way communications channel.

Gordon **does not** specifically teach **each of the plurality** of said remote telemetry units having a unique identifier. Instead, Gordon teaches a unique identifier for each of the subscriber stations (units 2), wherein each of said subscriber stations contains a plurality of remote telemetry units (units 10, 12 and 14).

Argyroudis et al., in the same field of endeavor, teaches a wireless remote telemetry system, wherein each of the plurality of the remote telemetry units is interrogated individually (Figure 1, units 102a-102n and column 7, lines 58-61); and thus, each of said remote telemetry units has its own unique identifier (inherent).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an unique identifier for each of the remote telemetry units disclosed by Gordon, as evidenced by Argyroudis et al., so that data from each of said remote telemetry units can be individually interrogated and transmitted to the central controller.

Regarding claims 4 and 5, the broadcast communication channel disclosed by Gordon is also a radio transmission system (Figure 1, radio transmission system 28) and each receiver (unit 6) is a radio receiver.

Regarding claim 7, the shared two-way communication channel disclosed by Gordon is a subscriber telephone line (column 4, lines 20-25), and said transceiver (Figure 1, unit 4) associated with each of said remote telemetry units is configured as an extension to said telephone line.

Regarding claim 13, Gordon also teaches that media access control for said shared two-way communications channel (Figure 1, units 24) is regulated by said central controller (Figure 1, unit 20) utilizing said control messages transmitted on said broadcast communication channel (Figure 1, unit 32).

Regarding claim 14, Gordon also teaches that the control message carried by the broadcast communication channel is received by each of the plurality of remote telemetry units (column 4, lines 48-61. Antennas 6 are the receivers for each of the telemetry units).

Regarding claim 15, Gordon also teaches that each of said plurality of remote telemetry units is configured to respond to the control message carried by said broadcast communications channel (column 4 line 61 to column 5 line 17).

Regarding claim 16, Gordon also teaches that the control message includes a remote telemetry recipient identifier and only the remote telemetry unit having said identifier matching said remote telemetry recipient identifier configured to respond to the control message carried by said broadcast communications channel (column 4 lines 47-67).

Claim 17 is rejected for the same reasons as claims 1 and 16.

Regarding claim 18, Gordon also teaches establishing a communication link between one of said plurality of remote telemetry units and said at least one central control over said shared two-way communication pathway (column 5 lines 1-17); transmitting at least one reporting message from said one of said plurality of remote telemetry units to said at least one central controller over said communication link; and

closing said communication link (modem disconnection is implied) upon completion of said reporting message transmission to said at least one central controller.

3. Claims 2-3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon U.S. Patent 4,713,837 in view of Argyroudis et al. U.S. Patent 5,748,104 and in further view of Jarrett Jr. U.S. Patent 6,571,093.

Regarding claims 2 and 3, as mentioned above, Gordon in view of Argyroudis et al. teaches a dual communication channel remote telemetry as claimed in claim 1. However, Gordon in view of Argyroudis et al. fails to teach said broadcast communication channel is a cellular paging system.

Jarrett Jr. shows the conventionality of using cellular paging system for broadcasting information (column 2, lines 22-35), and wherein each of the receivers has a shared cellular pager identification number.

Therefore, by conventionality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a cellular paging system as a broadcast communication channel to the telemetry system disclosed by Gordon in view of Argyroudis et al., and wherein each of the receivers has a shared cellular pager identification number, as evidenced by Jarrett Jr.

Regarding claims 10 and 11, wire telephone and wireless (cellular) telephone networks as claimed in claims 10 and 11 have been commonly used for data communication. Therefore, by conventionality, it would have been obvious to one of

ordinary skill in the art to alternatively provide a cellular radiotelephone network (as claimed in claims 10 and 11) to the telemetry system disclosed by Gordon

4. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon U.S. Patent 4,713,837 in view of Argyroudis et al. U.S. Patent 5,748,104 and further in view of Budin et al. U.S. Patent 5,276,703.

Gordon in view of Argyroudis et al. teaches a dual communication channel remote telemetry system as claimed in claim 12. However, Gordon in view of Argyroudis et al. does not teach wherein simultaneous access to said shared two-way communications channel is restricted to one of said transceivers associated with said remote telemetry units.

Budin et al. discloses the conventionality of using TDMA (Time Division Multiplex Access) in communication system to provide separate data transmissions from multiple stations in designated time slots (column 1, lines 35-60).

One skilled in the art would recognize that reserving a communication channel for a specific transmitter for a specific time period (such as TDMA) has been commonly utilized in communication systems, as evidenced by Budin et al. Therefore, it would have been obvious to one skilled in the art to restrict the communication channel disclosed by Gordon in view of Argyroudis et al. to each of the remote telemetry units so that each of the remote telemetry units can transmit its data over said communication channel individually, because Gordon in view of Argyroudis et al. teaches a shared communication channel for a plurality of remote telemetry units and Budin et al.

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suggests restricting a communication channel to one transmitting units at a time among a plurality of transmitting units.

5. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon U.S. Patent 4,713,837 in view of Argyroudis et al. U.S. Patent 5,748,104 and in further view of Simionescu et al. U.S. Patent 5,963,650.

As mentioned above, Gordon in view of Argyroudis et al. teaches a remote telemetry system as claimed in claim 6. However, Gordon in view of Argyroudis et al. does not specifically teach that said radio transmission system is a high-power and low data rate radio transmission system, and each of said radio receivers is a low-power radio receiver, optimized for power consumption.

Simionescu et al., in the same field of endeavor, teaches a remote telemetry system, wherein the radio receiver(s) are designed to be lower-power receivers optimized for power consumption (column 4, lines 38-60 and column 11 lines 44-58). Even though, Simionescu et al. does not specifically mention a HIGH POWER radio transmission system, however, one skilled in the art would recognize that in order for a transmitter to transmit data, it has to have sufficiently high power; and the claimed limitation "low data rate" is all relative, therefore, Simionescu et al.'s transmission system can be a low data rate system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a high-power and low data rate radio transmission system and wherein each of said radio receivers is a low-power receiver,

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to the remote telemetry system disclosed by Gordon in view of Argyroudis et al., as evidenced by Simionescu et al., in order to optimize power consumption.

Allowable Subject Matter

6. **Claims 8-9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, the prior arts of record fail to teach or disclose a dual communication channel telemetry system as claimed in claims 1 and 7, wherein the subscriber telephone line further comprises said broadcast communication channel, and said transceiver associated with each of said remote telemetry units configured with a shared telephone number as a subscriber telephone line.

Conclusion

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Dang whose telephone number is 703-305-1836. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Hung Dang
7/8/2004
H.D.

HD

MICHAEL HORABIK
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